

UNITED STATES BANKRUPTCY COURT

DEPARTMENT NO. 2

JUDGE LOUISE DeCARL ADLER, PRESIDING

FEDERAL COURT REPORTERS

RUTH E. CLARK, COURTROOM DEPUTY

THURSDAY - MARCH 13, 2003

LAW AND MOTION

**TENTATIVE RULING**

10:00a.m.

02-03082-A11

OAK CREEK CONSTRUCTION CO., INC.  
Todd DerOvanesian, Jr. for Debtor  
David A. Ortiz for U.S. Trustee

- 1) U.S. TRUSTEE'S MTN. TO DISMISS/CONVERT CASE TO CH. 7 (fr. 1/15)
- 2) DEBTOR'S MTN. FOR APPROVAL OF PLAN OF REORGANIZATION

02-03082-A11  
R/S #RTL-2

OAK CREEK CONSTRUCTION CO., INC.  
Todd DerOvanesian, Jr. for Debtor  
Russell T. Little for JOE & JAMES ZENOVIC,  
Movant  
David Ortiz for U.S. Trustee

**EVIDENTIARY HEARING** RE: JOE & JAMES  
ZENOVIC'S MOTION FOR RELIEF FROM STAY  
(Scheduled for all a.m.)

\*\*\*\*\*

2:30 p.m.

\*02-12267-A7  
R/S #MPD-1

MICHAEL L. BEAMS  
Terry Loftus for Debtor  
James F. Lewin for BANK OF AMERICA  
AUTO FINANCE CORP., Movant

BANK OF AMERICA AUTO FINANCE CORP.'S  
MOTION FOR RELIEF FROM STAY

\*03-00068-A7  
R/S #PCM-1

Motion **denied**. Given defaulted status of other co-defendants, it is clear that there will not be a meaningful trial in state court w/r/t them such that debtor's absence will result in plaintiff having to try this matter twice. Movants should file a non-dischargeability complaint against this debtor if they believe they have grounds. As the state court complaint appears to have, at best, 2 causes of action out of 17 pled which might support a nondischargeability complaint, requiring this debtor to defend the other claims in state court would deny her a fresh start.

KATHERINE M. ALEXANDER  
John L. Smaha for Debtor  
Nancy Wolf, Trustee  
F Patrick McGarrigle for EUGENE & PATRICIA  
SHALES, Movant

**TELEPHONIC HRG. RE:** EUGENE & PATRICIA  
SHALES' MOTION FOR  
RELIEF FROM STAY

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**TENTATIVE RULING**

2:30 p.m.

02-01762-A7

Trustee's motion to accept overbid **denied**. Trustee obtained court order allocating purchase price at 57.5% to residential parcel and 42.5% to agricultural parcel. Court's letter ruling of 2/10/03 was clear: "Should the bulk sale price for the parcels increase because of overbidding in court, the allocated purchase price for each parcel *will increase proportionately*." The overbid is nonconforming to the notice and originally ordered sales procedures. Trustee may proceed to call for overbids of the Faith Comm. Church offer if it is still viable.

DAVID L. PRUITT

SEACOAST GREENHOUSES, LLC

Gerald L. Gorman/Thomas B. Gorrill for Debtor  
Peter L. Duncan, Special Counsel for Richard M.  
Kipperman, Trustee

Laura S. Taylor for AG CREDIT, Respondent

Bruce Douthit for MARGARET PRUITT

Tiffany Carroll for U.S. Trustee

TR'S. MTN. FOR AUTHORITY TO SELL  
APPROX. 2.9 ACRES OF REAL PPTY.  
W/RESIDENCE AT 680 NORMANDY RD.,  
ENCINITAS, & A CONTIGUOUS PARCEL OF  
APPROX. 4.83 ACRES OF AGRICULTURAL  
PPTY. AT 1110 URANIA ST., ENCINITAS

02-08238-A7

Matter transferred to Judge Meyers per request of parties.  
Contact Judge Meyers' calendar clerk for hearing date.

DENNIS D. DRUMMOND

CHERYL L. DRUMMOND

Christopher A. Radlinski for Debtor

Nancy Wolf, Trustee

Lawrence Brewster for U.S. DEPT. OF LABOR,  
Movant

U.S. DEPT. OF LABOR'S MTN. TO REOPEN  
CASE & FOR EXTENSION OF TIME TO FILE  
COMPLAINT & OPPOSITION THERETO

02-09641-A-INV7

Motion **granted**. Unopposed. Case dismissed.

SHARNEE FAMILY TRUST PARTNERSHIP

In Pro Per for CARL HUNKING

In Pro Per for ROBERT PRICE

In Pro Per for CHARLES R. McHAFFIE

Martin T. McGuinn for TRI ACCEPTANCE  
CORPORATION

David Ortiz for U.S. Trustee

COURT'S ORDER TO SHOW CAUSE WHY  
INVOLUNTARY PETITION SHOULD NOT BE  
DISMISSED FOR LACK OF PROSECUTION

02-12078-A7

Motion to compel answer to questions at § 341(a) meeting **granted**. Debtor has provided **no** information suggesting there is a basis grounded in potential violation of a federal statute which would result in his self-incrimination should he answer the questions posed by the trustee and Hartford. The court is not required to speculate how this information would incriminate him. Court **will continue** this hearing to permit a continued § 341(a) meeting to be conducted. If debtor fails to answer the questions, the court will consider the alternative request of Hartford and the trustee to dismiss this case.

CRAIG ALLEN BACHMANN

Charles E. Duff, Jr. for Debtor

Leslie T. Gladstone, Trustee

Mark E. Aronson for HARTFORD FIRE  
INSURANCE CO., Movant

HARTFORD FIRE INSURANCE CO.'S MTN.  
(1) TO COMPEL ANSWERSTO QUESTIONS  
FROM 341(a) MTG.; (2) ALTERNATIVELY, MTN.  
TO SET 2004 EXAMINATION; &  
(3) ALTERNATIVELY, MTN. TO AVOID  
DISCHARGE & DISMISS CH. 7

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THURSDAY - MARCH 13, 2003

LAW AND MOTION

TENTATIVE RULING

3:00 p.m.

02-01762-A7

DAVID L. PRUITT  
SEACOAST GREENHOUSES, LLC  
Gerald L. Gorman/Thomas B. Gorrill for Debtor  
Richard M. Kipperman, Trustee  
Peter L. Duncan, Special Counsel to Trustee  
In Pro Per for GERALD L. GORMAN, Movant  
Laura S. Taylor for AG CREDIT, Respondent  
In Pro Per for THOMAS B. GORRILL  
Peter L. Duncan for GRICE, LUND &  
TARKINGTON, CPA  
Bruce Douthit for MARGARET PRUITT  
Francine Meyer for LAMB & MEYER, LLP  
Tiffany Carroll for U.S. Trustee

- 1) GERALD L. GORMAN'S 2ND & FINAL APPL. FOR COMPENSATION & REIMBURSEMENT OF EXPENSES
- 2) THOMAS B. GORRILL'S 2ND & FINAL APPL. FOR COMPENSATION & REIMBURSEMENT OF EXPENSES
- 3) GRICE, LUND & TARKINGTON, CPA'S CONFIRMATION OF FEES
- 4) PYLE SIMS DUNCAN & STEVENSON'S 2ND & FINAL APPL. FOR COMPENSATION & REIMBURSEMENT OF EXPENSES
- 5) LAMB & MEYER'S 2ND & FINAL APPL. FOR COMPENSATION & REIMBURSEMENT OF EXPENSES

02-06877-A11

PACIFIC EYES & T'S  
Michael D. Breslauer for Debtor  
David Ortiz for U.S. Trustee

DEBTOR'S MOTION FOR APPROVAL OF PLAN OF REORGANIZATION

02-11963-A7

MARJORIE BUCKINGHAM  
Debtor In Pro Per  
Richard Kipperman, Trustee

DEBTOR'S MTN. TO REAFFIRM DEBT WITH CAPITAL ONE AUTO FINANCE